

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JULY 3, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE APRIL 17, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1249

Introduced by Senator Wolk

(Principal coauthor: Assembly Member Huffman)

February 23, 2012

An act to amend Section 13100 of, and to add Chapter 7.4 (commencing with Section 1745) to Division 2 of, the Fish and Game Code, relating to fish and wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1249, as amended, Wolk. Department of Fish and Game: lands: expenditures.

(1) Existing law requires the Department of Fish and Game to operate lands, or lands and water, acquired for public shooting grounds, state marine recreational management areas, or wildlife management areas on a nonprofit basis (collectively, department-operated lands). Existing law states that multiple recreational use of wildlife management areas is desirable and requires the Fish and Game Commission to encourage multiple recreational use. Existing law authorizes the commission to determine and fix the amount of, and authorizes the department to collect, fees for any use privileges. Existing law restricts shooting permits for department-operated lands to persons holding valid hunting licenses. Existing law, except as expressly provided, makes any violation

of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor.

This bill would authorize the department to enter into contracts or other agreements with nonprofit conservation groups, as specified, for the management and operation of department-managed lands, defined to include public shooting grounds, state marine recreational management areas, ecological reserves, and wildlife management areas. The bill would state that hunting, fishing, wildlife viewing, wildlife photography, conservation education, and fish and wildlife research are the priority uses compatible with department-managed lands, and would allow the department to authorize by regulation other public uses. The bill would authorize the department to require the purchase of a special use permit for those other public uses. The bill, ~~commencing January 1, 2015,~~ would require the purchase of an entry permit *if the department makes certain findings*, as specified, ~~for access to nonconsumptive uses of department-managed lands for uses other than hunting and fishing,~~ except as provided. The bill would make the failure to obtain a permit an infraction, as specified, *and provide that a person in possession of a valid hunting license, sport fishing license, or trapping license is exempt from a requirement to obtain a permit.* The bill would require moneys generated by these provisions to be deposited in the Native Species Conservation and Enhancement Account of the Fish and Game Preservation Fund, and those funds would be available, upon appropriation by the Legislature, to the department to use for the management and operation of its lands. The bill would require, to the extent that the department is able to identify the source of the fee revenue collected, the department to provide no less than 35% of the funds generated by these provisions to the department-managed lands from which the fee revenues were collected.

(2) Existing law requires specified fines and penalties paid to and retained in the county treasury to be deposited in a county fish and wildlife propagation fund and expended for the protection, conservation, propagation, and preservation of fish and wildlife, under the direction of the county board of supervisors. Existing law limits expenditures from the fish and wildlife propagation fund of a county for specified purposes.

This bill would require all proposed expenditures from a county fish and wildlife propagation fund to be reviewed first at a regular meeting of the county board of supervisors or its designated county fish and game commission to ensure compliance with those specified expenditure

purposes. The bill would find and declare that these provisions are an issue of statewide concern and not a municipal affair, as specified. By imposing new duties on counties, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 7.4 (commencing with Section 1745) is
2 added to Division 2 of the Fish and Game Code, to read:

3
4 CHAPTER 7.4. DEPARTMENT-MANAGED LANDS
5

6 1745. (a) For purposes of this section, the following terms
7 ~~having~~ have the following meanings:

8 (1) "Department-managed lands" includes lands, or lands and
9 water, acquired for public shooting grounds, state marine
10 (estuarine) recreational management areas, ecological reserves,
11 and wildlife management areas.

12 (2) "Nonconsumptive uses" means compatible uses other than
13 hunting and fishing.

14 (b) (1) Department-managed lands shall be operated on a
15 nonprofit basis by the department.

16 (2) The department may enter into contracts or other agreements
17 for the management and operation of department-managed lands
18 with nonprofit conservation groups, recognized under Section
19 501(c) of the Internal Revenue Code, or resource conservation
20 districts, as described in Chapter 3 (commencing with Section
21 9151) of Division 9 of the Public Resources Code.

22 (A) The contracts or other agreements authorized pursuant to
23 this paragraph are not subject to Part 2 (commencing with Section
24 10100) of Division 2 of the Public Contract Code or Article 6

(commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(B) The contracts or other agreements authorized pursuant to this paragraph shall adhere to the goals and objectives included in an approved management plan and shall be consistent with the purpose for which the lands were acquired and managed by the department. Any changes to the management plan shall be subject to public review and comment.

(c) Multiple recreational use of department-managed lands is desirable and that use shall be encouraged by the commission. Except for hunting and fishing purposes, only minimum facilities to permit other forms of multiple recreational use, such as camping, picnicking, boating, or swimming, shall be provided.

(d) (1) Hunting, fishing, wildlife viewing, wildlife photography, conservation education, and fish and wildlife research are the priority uses compatible with department-managed lands.

(2) Public uses of department-managed lands not ~~listed~~ *described* in paragraph (1), or subdivision (c) *or (f)*, shall be authorized by regulations adopted by the commission. The commission may require the purchase of a special use permit for these other uses.

(e) Except as provided in Section 1765 and subdivision (h), and to defray the costs associated with multiple use, the commission may determine and fix the amount of, and the department shall collect, fees for any use privileges. Only persons holding valid hunting licenses may apply for or obtain shooting permits for department-managed lands.

~~(f) Commencing January 1, 2015, the purchase of an entry permit through the Automated License Data System or other means, as determined by the department, shall be required to access all department-managed lands for uses other than hunting and fishing. Where, in the determination of the department, it is feasible and cost effective, the department shall make entry permits available for purchase onsite and also shall modify its online processes for purchase of entry permits to make these systems compatible for noneconsumptive users. The user shall have the entry permit in his or her immediate possession while on department-managed lands. Failure to obtain a permit for uses listed in paragraph (1) of subdivision (d) or as required by regulations adopted by the commission pursuant to paragraph (2) of subdivision (d) shall be~~

1 ~~an infraction as described in Section 12002.2.1. A person in~~
2 ~~possession of a valid hunting license, a sport fishing license, or a~~
3 ~~trapping license shall be exempt from the payment of an entry~~
4 ~~permit fee.~~

5 *(f) The department shall require the purchase of an entry permit*
6 *for nonconsumptive uses of department-managed lands if the*
7 *department finds that it is practical and would be cost-effective*
8 *for the state to collect entry permit fees.*

9 *(g) The following shall apply if the department requires the*
10 *purchase of an entry permit pursuant to subdivision (f):*

11 *(1) The department shall require the purchase of an entry permit*
12 *for nonconsumptive uses of a department-managed land only if a*
13 *sign providing notice of the requirement has been posted at the*
14 *department-managed land.*

15 *(2) To the extent feasible, the department shall allow*
16 *nonconsumptive users to purchase an entry permit onsite.*

17 *(3) The department shall use the Automated License Data System*
18 *to sell an entry permit.*

19 *(4) A nonconsumptive user shall have an entry permit in his or*
20 *her immediate possession while on department-managed lands.*

21 *(h) Failure to obtain a permit as required pursuant to this*
22 *section shall be an infraction as described in Section 12002.2.1.*
23 *A person in possession of a valid hunting license, sport fishing*
24 *license, or trapping license shall be exempt from a requirement*
25 *to obtain a permit.*

26 ~~(g)~~

27 *(i) The moneys generated pursuant to this section shall be*
28 *deposited in the Native Species Conservation and Enhancement*
29 *Account within the Fish and Game Preservation Fund, and shall*
30 *be available, upon appropriation by the Legislature, to the*
31 *department for the management and operation of its lands. To the*
32 *extent that the department is able to identify the source of the fee*
33 *revenue collected, the department shall provide no less than 35*
34 *percent of the funds generated pursuant to this section to the*
35 *department-managed lands from which the fee revenues were*
36 *collected.*

37 ~~(h)~~

38 *(j) The commission and department may continue to allow free*
39 *access to a department-managed land if the commission or*

1 department finds the best interests of that area would be served by
2 not fixing a fee for use privileges.

3 SEC. 2. Section 13100 of the Fish and Game Code is amended
4 to read:

5 13100. (a) The amounts paid to and retained in the county
6 treasury pursuant to Sections 12009 and 13003 shall be deposited
7 in a county fish and wildlife propagation fund and expended for
8 the protection, conservation, propagation, and preservation of fish
9 and wildlife, under the direction of the board of supervisors,
10 pursuant to this chapter.

11 (b) All proposed expenditures from a county fish and wildlife
12 propagation fund shall be reviewed first at a regular meeting of
13 the county board of supervisors or its designated county fish and
14 game commission to ensure compliance with Section 13103.

15 SEC. 3. The Legislature finds and declares that Section 2 of
16 this bill is an issue of statewide concern and not a municipal affair,
17 as that term is used in Section 5 of Article XI of the California
18 Constitution.

19 SEC. 4. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.